

UNITED STATES OF AMERICA  
COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

OFGS FILE NO.  
P/1890-162

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CONTROL OF SELECTIVE ESTROGEN RECEPTOR MODULATORS**

the specification of which is attached hereto, unless the following box is checked:

☒ was filed on April 13, 1998 as United States patent Application Number or PCT International patent application number 09/059,476 and was amended on \_\_\_\_\_ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate or United States provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign or Provisional Application(s)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES ____ NO ____
			YES ____ NO ____
			YES ____ NO ____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

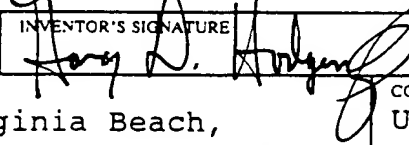
UNITED STATES APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint customer no. 2352 OSTROLENK, FABER, GERB & SOFFEN, LLP, and the members of the firm, Marvin C. Soffen - Reg. No. 17,542; Samuel H. Weiner - Reg. No. 18,510; Jerome M. Berliner - Reg. No. 18,653; Robert C. Faber - Reg. No. 24,322; Edward A. Meilman - Reg. No. 24,735; Stanley H. Lieberstein - Reg. No. 22,400; Steven I. Weisburd - Reg. No. 27,409; Max Moskowitz - Reg. No. 30,576; Stephen A. Soffen - Reg. No. 31,063; James A. Finder - Reg. No. 30,173; William O. Gray, III - Reg. No. 30,944 and Louis C. Dujmich - Reg. No. 30,625, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

SEND CORRESPONDENCE TO: OSTROLENK, FABER, GERB & SOFFEN, LLP  
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DIRECT TELEPHONE CALLS TO: (212) 382-0700

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR <b>Gary D. Hodgen</b>		INVENTOR'S SIGNATURE 	DATE <b>4-27-98</b>
RESIDENCE (City and either State or Foreign Country) <b>3844 Church Point Road, Virginia Beach, Virginia 23455</b>		COUNTRY OF CITIZENSHIP <b>U.S.A.</b>	
POST OFFICE ADDRESS <b>Same as above</b>			
FULL NAME OF SECOND JOINT INVENTOR (IF ANY)		INVENTOR'S SIGNATURE	DATE
RESIDENCE (City and either State or Foreign Country)		COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF THIRD JOINT INVENTOR (IF ANY)		INVENTOR'S SIGNATURE	DATE
RESIDENCE (City and either State or Foreign Country)		COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS			

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Serial or Patent No.: \_\_\_\_\_ OFGS File No. P/1890-162  
Filing or Issue Date: \_\_\_\_\_  
Applicant or Patentee: Gary D. Hodgen  
For: CONTROL OF SELECTIVE ESTROGEN RECEPTOR MODULATORS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**37 CFR 1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF CONCERN: MEDICAL COLLEGE OF HAMPTON ROADS  
ADDRESS OF CONCERN: 601 Colley Avenue, Norfolk, Virginia 23507  
TYPE OF ORGANIZATION: \_\_\_\_\_  
☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 USC §501(a) and §501(c)(3)  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE USA  
NAME OF STATE: \_\_\_\_\_ CITATION OF STATUTE: \_\_\_\_\_  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER 26 USC §501(a) and §501(c)(3) IF  
LOCATED IN THE USA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF  
USA IF LOCATED IN THE USA  
NAME OF STATE: \_\_\_\_\_ CITATION OF STATUTE: \_\_\_\_\_

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 13 CFR 1.19(e) for purposes of paying reduced fees under 35 USC §41(a) and (b) with regard to the invention entitled CONTROL OF SELECTIVE ESTROGEN RECEPTOR MODULATORS by inventors Gary D. Hodgen described in

☐ U.S. Patent Application filed herewith  
☒ U.S. Patent Application Serial No. 09/059,476 filed April 13, 1998  
☐ U.S. Patent No. \_\_\_\_\_ issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having the rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. 37 CFR 1.27.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION  
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file in this patent application or patent, notification of any change of status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 CFR 1.29(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001, and that such willful false statements may jeopardize the validity of the patent application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: David Thiel  
ADDRESS OF PERSON SIGNING: 358 Maybray Arch, Norfolk, Virginia 23507

SIGNATURE:  DATE: April 30, 1998